

Decision **DRAFT DECISION OF EXAMINER HORNER** (Mailed 10/16/2001)

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of Application of Bhupinder K. Saini, dba East Bay Express Airporter to extend the authority to operate as a passenger stage operation from Santa Clara, Alameda, and Contra Costa counties, San Mateo County, San Francisco County to San Joaquin County.

Application 01-05-037  
(Filed May 15, 2001)

**O P I N I O N**

**Summary**

This decision dismisses the application of Bhupinder K. Saini (Applicant) for failure to pursue his application for authority to operate as a Passenger Stage carrier.

**Discussion**

This application was filed on May 15, 2001. Notice of filing of the application appeared in the Commission's Daily Calendar on May 21, 2001.

On May 25, 2001, the Commission's Rail Safety and Carriers Division (staff), sent a letter to the Applicant, requesting him to (1) clarify the service points, (2) complete the Scoping Memo, (3) serve a copy or notice of his application to each city and county, including the airports and (4) submit a Certificate of Service identifying each served party and mailing address.

A second letter was sent on July 27, 2001, requesting the above information. The Applicant was placed on notice that the staff would

recommend dismissal of the application if the staff did not receive his response by August 15, 2001. The Applicant has not responded to the staff's letters.

In Resolution ALJ 176-3064 dated May 24, 2001, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3064.

#### **Comments on Draft Decision**

The draft decision of the Examiner in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.7 of the Rules of Practice and Procedure. Comments were filed on \_\_\_\_\_, and reply comments were filed on \_\_\_\_\_.

#### **Findings of Fact**

1. Applicant has failed to respond to staff's letters requesting information.
2. The application is incomplete.

#### **Conclusion of Law**

This application should be dismissed due to Applicant's failure to pursue it.

### **O R D E R**

**IT IS ORDERED** that:

1. Application 01-05-037 filed by Bhupinder K. Saini, dba East Bay Express Airporter, is dismissed effective today.

2. This proceeding is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.